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09/611,165	07/06/2000	John C. Calhoun JR.	5044;84	5604
7590	04/02/2008		EXAMINER	
Stanley R Moore Esq Jenkins & Gilchrist PC 1445 Ross Avenue Suite 3200 Dallas, TX 75202			FRENEL, VANEL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/611,165	Applicant(s) CALHOUN ET AL.
	Examiner VANEL FRENEL	Art Unit 3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

- 1) Responsive to communication(s) filed on 09 January 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No.(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 01/09/08. Claims 1, 12, 13 and 19 have been amended. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rieker et al (5,832,447), Warady et al (6,067,522) in view of Myers (6,601,020),

Snowden et al. (2002/0026332) and further in view of Joao (7,305,347).

(A) As per claim 1, Rieker discloses a computer system for use in a web-based managed care transaction system, (Col.5, lines 25-67 to Col.6, line 12), the computer system comprising: a memory (See Rieker, Col.7, lines 59-67 to Col.8, line 24), and a set of linked data tables organized into a logical entity in the memory and including for each member (See Rieker, Col.8, lines 25-49): a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan, wherein said logical entity is persistent over changes to each members' changes within said employer plan (See Warady, Col.4, lines 1-67 to Col.5, line 64).

Rieker and Warady do not collectively disclose a master account table

including account setup information for at least one of utilization and login actions for said web-based managed care transaction system, a member table including identity information for at least one member.

However, these features are known in the art, as evidenced by Myers. In particular, Myers suggests a master account table including account setup information for at least one of utilization and login actions for said web-based managed care transaction system, a member table including identity information for at least one member (See Myers, Col.8, lines 28-67 to Col.9, line 40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Myers within the collective teachings of Rieker and Warady with the motivation of providing a load test database which capable of storing login information, security information, captured user simulation scripts, and scenarios (See Myers, Col.3, lines 50-55).

In addition, claim 1 has been amended to recite the limitations of "wherein the web-based managed care transaction system is adapted to provide, via the linked set of data tables, a history of healthcare benefits of the at least one member throughout their life; and wherein the web-based managed care transaction system is adapted to allow the at least one member to review and manage the history of healthcare benefits via a web browser, the history of healthcare benefits including past and present healthcare benefits of the at least one member".

As best understood, Rieker and Warady and Myer do not explicitly disclose "wherein the web-based managed care transaction system is adapted to provide, via

the linked set of data tables, a history of healthcare benefits of the at least one member throughout their life; and wherein the web-based managed care transaction system is adapted to allow the at least one member to review and manage the history of healthcare benefits via a web browser, the history of healthcare benefits including past and present healthcare benefits of the at least one member.

However, these features are known in the art, as evidenced by Snowden. In particular, Snowden suggests wherein the web-based managed care transaction system is adapted to provide, via the linked set of data tables, a history of healthcare benefits of the at least one member throughout their life (See Snowden, Fig.2; Page 3, Paragraphs 0078- 0080; and wherein the web-based managed care transaction system is adapted to allow the at least one member to review and manage the history of healthcare benefits via a web browser, the history of healthcare benefits including past and present healthcare benefits of the at least one member (See Snowden, Page 3, Paragraph 0077; Page 5, Paragraphs 0110-0111).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Snowden within the collective teachings of Rieker, Warady and Myers with the motivation of providing interfaces which are established with health insurance companies, Managed Care Organizations, third Party Administrators, HMOs, hospitals, reference laboratories, pharmacies, Pharmacy Benefit Managers, and other healthcare organizations, such as physician practice management systems and health information/claim clearinghouses (See Snowden, Page 3, Paragraph 0078).

Furthermore, as per the newly amended claim 1, Rieker, Warady, Meyers and Snowden disclose all the limitations above. The combination does not explicitly disclose "an administrative account to be moved across health plans", "administrative account", "administrative account comprising a", "health plans", "health plans".

However, these features are known in the art, as evidenced by Joao. In particular, Joao suggests "an administrative account to be moved across health plans", "administrative account", "administrative account comprising a", "health plans", "health plans" (See Joao, Col.5, lines 41-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Joao within the collective teachings of Rieker, Warady, Myers and Joao with the motivation of providing an apparatus and a method for allowing an employee or benefits administrator to communicate with, and transact benefits-related business with, the respective employer and /or with any of the various benefits providers (See Joao, Col.2, lines 44-48).

(B) As per claim 2, Warady discloses the computer system wherein the set of data tables includes an employer table having associate therewith a set of one or more employer plan tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady, Meyers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

(C) As per claim 3, Warady discloses the computer system wherein a given employer plan table identifies a given employer plan (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady, Myers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

(D) As per claim 4, Rieker discloses the computer system further including a managed care organization (MCO) table having associated therewith a set of one or more MCO product plan tables (Col.1, lines 15-67).

The motivation for combining the respective teachings of Rieker, Warady, Myers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

(E) As per claim 5, Warady discloses the computer system wherein a given MCO product plan table has associated therewith the set of one or more employer plan tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady, Myers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

(F) As per claim 6, Warady discloses the computer system wherein a given member history table has associated therewith a set of one or more coordinated benefits tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady and Myers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

(G) As per claim 7, Warady discloses the computer system wherein a given member history table has associated therewith a set of one or more assigned primary care physician (PCP) tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady, Myers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

(H) As per claim 8, Warady discloses the computer system wherein an assigned PCP table has associated therewith a provider affiliation table (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady, Myers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

(I) As per claim 9, Warady discloses the database wherein the set of data tables further includes a provider information table (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady, Myers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

(J) As per claim 10, Warady discloses the computer system wherein the provider information table includes a set of one or more provider affiliation tables, a set of one or more hospital affiliation tables, and a set of one or more provider staff tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady, Myers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

(K) As per claim 11, Warady discloses the computer system wherein the set of data tables includes a staging area table that includes data which tracks the member through various transaction events (Col.5, lines 42-67 to Col.6, line 11).

The motivation for combining the respective teachings of Rieker, Warady, Myers, Snowden and Joao are as discussed above in the rejection of claim 1, and incorporated herein.

4. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers (6,601,020), Rieker et al (5,832,447), Warady et al (6,067,522) in view of Bessette (6,263,330) and further in view of Snowden et al (2002/0026332).

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(A) As per claim 12, Rieker discloses a database for storing a set of linked data tables organized into a persistent logical entity wherein said logical entity maintains data on each member in spite of status changes and including for each member (See Rieker Col.7, lines 1-67): a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan (See Warady Col.5, lines 6-54), a web-based managed care transaction system accessible over a computer network using a client browser, comprising a transaction server (See Bessette, Col.14, lines 38-67 to Col.15, line 67).

Rieker, Warady and Bessette do not collectively disclose a master account table including account setup information for at least one of utilization and login actions for said web-based managed care transaction system, a member table including identity information for at least one member.

However, these features are known in the art, as evidenced by Myers. In particular, Myers suggests a master account table including account setup information for at least one of utilization and login actions for said web-based managed care transaction system, a member table including identity information for at least one member (See Myers, Col.8, lines 28-67 to Col.9, line 40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Bessette within the collective teachings of Myers, Rieker, Warady with the motivation of providing a load test database which capable of storing login information, security information, captured user simulation scripts, and scenarios (See Myers, Col.3, lines 50-55).

In addition, claim 12 has been amended to recite the limitations of "wherein the web-based managed care transaction system is adapted to provide, via the linked set of data tables, a history of healthcare benefits of the at least one member throughout their life; and wherein the web-based managed care transaction system is adapted to allow the at least one member to review and manage the history of healthcare benefits via a web browser, the history of healthcare benefits including past and present healthcare benefits of the at least one member".

As best understood, Rieker, Warady, Myer and Bessette do not explicitly disclose "wherein the web-based managed care transaction system is adapted to provide, via the linked set of data tables, a history of healthcare benefits of the at least one member throughout their life; and wherein the web-based managed care transaction system is adapted to allow the at least one member to review and manage the history of healthcare benefits via a web browser, the history of healthcare benefits including past and present healthcare benefits of the at least one member.

However, these features are known in the art, as evidenced by Snowden. In particular, Snowden suggests wherein the web-based managed care transaction system is adapted to provide, via the linked set of data tables, a history of healthcare benefits of the at least one member throughout their life (See Snowden, Fig.2; Page 3, Paragraphs 0078- 0080); and wherein the web-based managed care transaction system is adapted to allow the at least one member to review and manage the history of healthcare benefits via a web browser, the history of healthcare benefits including past

and present healthcare benefits of the at least one member (See Snowden, Page 3, Paragraph 0077; Page 5, Paragraph 0110-0111).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Snowden within the collective teachings of Rieker, Warady, Myers and Bessette with the motivation of providing interfaces which are established with health insurance companies, Managed Care Organizations, third Party Administrators, HMOs, hospitals, reference laboratories, pharmacies, Pharmacy Benefit Managers, and other healthcare organizations, such as physician practice management systems and health information/claim clearinghouses (See Snowden, Page 3, Paragraph 0078).

Furthermore, as per the newly amended claim 12, Rieker, Warady, Meyers, Bessette and Snowden disclose all the limitations above. The combination does not explicitly disclose "enable" "an administrative account to be moved across health plans", "administrative account", "administrative account comprising a", "health plans", "health plans".

However, these features are known in the art, as evidenced by Joao. In particular, Joao suggests "enable", "an administrative account to be moved across health plans", "administrative account", "administrative account comprising a", "health plans", "health plans" (See Joao, Col.5, lines 41-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Joao within the collective teachings of Rieker, Warady, Myers , Bessette and Snowden with the motivation of providing an apparatus

and a method for allowing an employee or benefits administrator to communicate with, and transact benefits-related business with, the respective employer and /or with any of the various benefits providers (See Joao, Col.2, lines 44-48).

(B) As per claim 13, Rieker discloses a plurality of functional modules (Col.5, lines 25-67), a transaction processor (Col.5, lines 25-67), a managed care organization (MCO) subsystem interfaced to said transaction processor (Col.1, lines 15-67), a database wherein a logical entity retains data representative of users received healthcare within said database persistent across changes to a user's healthcare plan (See Warady, Col.4, lines 1-67 to Col.5, line 64), a network-based managed care system comprising a network-based server (See Fig.1, Col.6, lines 16-67), at least one client machine on which a graphical user interface operates (See Bessette, Fig.1, Col.6, lines 16-67), a network-based subsystem comprising: a multiplexer (The Examiner interprets interfaces 702, 704 and 706 to be a form of multiplexer Col.9, lines 17-60).

Rieker, Warady and Bessette do not explicitly disclose said database including a master account table for retaining account setup information for at least one of utilization and login actions for said web-based managed transaction system, and a member table including identity information for at least one member.

However, these features are known in the art, as evidenced by Myers. In particular, Myers suggests said database including a master account table for retaining account setup information for at least one of utilization and login actions for said web-based managed transaction system, and a member table including identity

information for at least one member (See Myers, Col.8, lines 28-67 to Col.9, line 40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Myers within the collective teachings of Rieker, Warady and Bessette with the motivation of providing a load test database which capable of storing login information, security information, captured user simulation scripts, and scenarios (See Myers, Col.3, lines 50-55).

In addition, claim 13 has been amended to recite the limitations of "wherein the network web-based managed care transaction system is adapted to provide, via the database, a history of healthcare benefits of the at least one member throughout their life; and wherein the history of healthcare benefits include past and present healthcare benefits of the at least one member".

As best understood, Rieker, Warady, Myer and Bessette do not explicitly disclose "wherein the network web-based managed care transaction system is adapted to provide, via the database, a history of healthcare benefits of the at least one member throughout their life; and wherein the history of healthcare benefits include past and present healthcare benefits of the at least one member".

However, these features are known in the art, as evidenced by Snowden. In particular, Snowden suggests "wherein the network web-based managed care transaction system is adapted to provide, via the database, a history of healthcare benefits of the at least one member throughout their life (See Snowden, Fig.2; Page 3, Paragraphs 0078- 0080); and wherein the history of healthcare benefits include past

and present healthcare benefits of the at least one member" (See Snowden, Page 3, Paragraph 0077; Page 5, Paragraph 0110-0111).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Snowden within the collective teachings of Rieker, Warady, Myers and Bessette with the motivation of providing interfaces which are established with health insurance companies, Managed Care Organizations, third Party Administrators, HMOs, hospitals, reference laboratories, pharmacies, Pharmacy Benefit Managers, and other healthcare organizations, such as physician practice management systems and health information/claim clearinghouses (See Snowden, Page 3, Paragraph 0078).

Furthermore, as per the newly amended claim 1, Rieker, Warady, Meyers, Bessette and Snowden disclose all the limitations above. The combination does not explicitly disclose "an administrative account to be moved across health plans", "administrative account", "administrative account comprising a", "health plans", "health plans".

However, these features are known in the art, as evidenced by Joao. In particular, Joao suggests "an administrative account to be moved across health plans", "administrative account", "administrative account comprising a", "health plans", "health plans" (See Joao, Col.5, lines 41-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Joao within the collective teachings of Rieker, Warady, Myers and Joao with the motivation of providing an apparatus and a method

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for allowing an employee or benefits administrator to communicate with, and transact benefits-related business with, the respective employer and /or with any of the various benefits providers (See Joao, Col.2, lines 44-48).

(C) As per claim 14, Rieker discloses the network-based managed care system wherein said functional modules comprise: an enrollment module (Fig.10 A (item 1)., billing module (Fig.10A (item 2)., messaging module (Fig.10B (items 79-81); and inquiry module (Fig.10B (item 79).

(D) As per claim 15, Warady discloses the network-based managed care system wherein changes to a user's health plan occur as a user changes employment (See Warady, Col.4, lines 1-67 to Col.5, line 64).

The motivation for combining the respective teachings of Rieker, Warady, Bessette, Myers, Snowden and Joao are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(E) As per claim 16, Warady discloses the network-based managed care system wherein changes to a user's health plan occur as a user changes their healthcare plan (See Warady, Col.4, lines 1-67 to Col.5, line 64).

The motivation for combining the respective teachings of Rieker, Warady, Bessette, Myers, Snowden and Joao are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(F) As per claim 17, Besette discloses the network-based managed care system wherein the network comprises an Internet (Col.1, lines 15-35).

The motivation for combining the respective teachings of Rieker, Warady, Besette, Myers, Snowden and Joao are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(G) As per claim 18, Warady discloses the network-based managed care system wherein said the database contains a historical record of care provided to said user (Col.10, lines 42-67).

The motivation for combining the respective teachings of Rieker, Warady, Besette, Myers, Snowden and Joao are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(H) As per claim 19, Warady discloses the network-based managed care system wherein said persistent logical entity comprises the administrative account (Col.4, lines 1-20).

The motivation for combining the respective teachings of Rieker, Warady, Besette, Myers and Snowden are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(I) As per claim 20, Warady discloses the network-based managed care system

wherein said persistent logical entity spans a user's change in employment plans (Col. 5, lines 65-67 to Col.6, line 53).

The motivation for combining the respective teachings of Rieker, Warady, Besette, Myers, Snowden and Joao are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

Response to Arguments

5. Applicant's arguments filed on 01/09/08 with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments will be addressed in the order in which they appear in the response filed on 01/09/08.

(A) At pages 5-8 of the 01/09/08 response, Applicant argues that the features in the 01/09/08 amendment are not taught by or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 01/09/08 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Rieker, Warady, Besette, Myers, Snowden and/or Joao based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the Office Action, and incorporated herein. One cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981), *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/

Primary Examiner, Art Unit 3687
March 30, 2008